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09/993,869	11/05/2001	Hakan Ozdemir	01-S-047 (1678-22-3)	8296
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STMICROELECTRONICS, INC. MAIL STATION 2346 1310 ELECTRONICS DRIVE CARROLLTON, TX 75006			RODRIGUEZ, GLENDA P	
			ART UNIT	PAPER NUMBER
			2651	

DATE MAILED: 03/17/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/993,869

Applicant(s)

OZDEMIR, HAKAN

Examiner

Glenda P. Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-17 and 19-35 is/are rejected.
- 7) ☐ Claim(s) 8 and 18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/1/2003</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION***Double Patenting***

Claims 1, 2, 4, 6, 7, 18, 19 and 20 of this application conflict with claims 1-5, 11, 16 and 22, respectively of Application No. 09/993876 and Claims 23-28 of this application conflict with claims 14-19 of Application No. 09/993877. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Claims 1, 2, 4, 6, 7, 18, 19 and 20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5, 11, 16 and 22, respectively of copending Application No. 09/993876 and Claims 23-28 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 14-19, respectively of copending Application No. 09/993877. Although the conflicting claims are not identical, they are not patentably distinct from each other because it discloses the detection of servo wedges during or after a spin-up operation (which is an operation when the disk is attaining or after the disk attains an operating speed.).

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This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 6, 7, 20, 23, 29, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks et al. (US Patent No. 6, 181, 505) in view of Tuttle (US Patent No. 6, 108, 151;).

Regarding Claims 1, 20 and 30, Sacks et al. teach a servo circuit, comprising:

A servo channel operable to recover servo data from servo wedges that identify respective data sectors on a data-storage disk (Pat. No. 6, 181, 505; Col. 6, Lines 3-26);

And a processor coupled to and operable to control the servo channel (Pat. No. 6, 181, 505; Col. 6, Lines 3-26).

Sacks et al. fails to teach a processor is operable to detect a first servo wedges during or after disk spin-up search operation without first detecting a first spin-up wedge. However, this feature is well known in the art as disclosed by Tuttle et al., wherein it teaches the detection of the preamble of the servo wedges without first detecting a spin up wedge (Pat. No. 6, 108, 151; Col. 4, Lines 29-56). It

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would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify Sacks et al.'s invention to detect one of the servo wedges during or after disk spin-up search operation without first detecting a spin-up wedge in order to synchronize the timing recovery in the servo channel.

Apparatus claim 23 and 29 are drawn to the apparatus corresponding to the claim of using same as claimed in claim 1. Therefore apparatus claim 23 and 29 correspond to the claim 1, and is rejected for the same reasons of obviousness as used above.

Regarding Claim 2, Sacks et al. and Tuttle et al. teach all the limitations of Claims 1. Tuttle et al. further teach wherein the processor is operable to cause the servo channel to recover servo data from the first servo wedge after the processor detects the one servo wedge and before the servo channel recovers servo data from any other servo wedge (Pat. No. 6, 108, 151; Col. 4, Lines 29-56). It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify Sacks et al.'s invention to detect one of the servo wedges during or after disk spin-up search operation without first detecting a spin-up wedge in order to synchronize the timing recovery in the servo channel.

Regarding Claim 4, Sacks et al. and Tuttle et al. teach all the limitations of Claim 1. Tuttle further teach the first servo wedge comprises a preamble and the processor is operable to detect the one servo wedge by detecting the preamble (Pat. No. 6, 108, 151; Fig. 2B and Col. 4, Lines 29-56). It would have been obvious to a person of ordinary skill in the art, at the time the invention was

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made, to modify Sacks et al.'s invention to detect one of the servo wedges during or after disk spin-up search operation without first detecting a spin-up wedge in order to synchronize the timing recovery in the servo channel.

Regarding Claim 6, Sacks et al. teach all the limitations of Claim 1. Tuttle further teach the first servo wedge comprises a preamble and a servo synchronization mark following the preamble; the processor is operable to detect the first servo wedge by detecting the preamble; and the servo channel is operable to recover the synchronization mark in response to the processor detecting the preamble (Pat. No. 6, 108, 151; Fig. 2B and Col. 4, Lines 29-56). It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify Sacks et al.'s invention to detect one of the servo wedges during or after disk spin-up search operation without first detecting a spin-up wedge in order to synchronize the timing recovery in the servo channel.

Regarding Claim 7, Sacks et al. and Tuttle et al. teach all the limitations of Claim 1. Tuttle et al. further teach the first servo wedge and a second servo wedge following the first servo wedge each comprise a preamble and a servo synchronization mark following the preamble; the processor is operable to detect the one servo wedge by detecting the preamble of the one servo wedge; the servo channel is operable to recover the synchronization mark of the first servo wedge in response to the processor detecting the preamble of the first servo wedge; after detecting the first servo wedge, the processor is operable to detect the second servo wedge by detecting the preamble of the second servo wedge; and the servo channel is operable to recover the synchronization mark of the

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second servo wedge in response to the processor detecting the preamble of the second servo wedge (Pat. No. 6, 108, 151; Fig. 2B and Col. 4, Lines 29-56. It is obvious to a person of ordinary skill in the art to know that the servo channel during will read more than one servo wedge when the disk is in a spinning operation.). It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify Sacks et al.'s invention to detect one of the servo wedges during or after disk spin-up search operation without first detecting a spin-up wedge in order to synchronize the timing recovery in the servo channel.

Regarding Claim 31, Sacks et al. and Tuttle et al. teach all the limitations of Claim 30. Tuttle et al. further teach wherein the second rotational speed is a steady-state speed or is approximately a steady-state speed (Pat. No. 6, 108, 151; Col. 15, Lines 13-15. It is obviously to a person of ordinary skill in the art to know that in a disk after performing a spin-up operation, it eventually detects synchronously at a stable speed). It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify Sacks et al.'s invention in order to its initial velocity be a steady state velocity in order to detect the servo wedges.

Claims 3, 5, 9, 10-17, 21, 22, 24-28 and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks et al. and Tuttle et al. as applied to claim 1 above, and further in view of Leis et al. (US Patent No. 5, 036, 408).

Regarding Claim 3, Sacks et al. and Tuttle et al. teach all the limitations of Claim 1. Sacks et al. and Tuttle et al. fail to teach wherein the first spin-up

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wedge comprises a zero-frequency field and the processor is operable to detect the first spin-up wedge by detecting the zero-frequency field. However, this feature is well known in the art as disclosed by Leis et al., wherein it teaches a DC field placed in a sector (Pat. No. 5, 036, 408; See Abstract. It is known in the art that a dc or direct current signal has no frequency). It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify Sacks and Tuttle et al.'s invention in order to control the position and synchronize the read/write head (Pat. No. 5, 036, 408; See Abstract).

Regarding Claim 5, Sacks et al. and Tuttle et al. teach all the limitations of Claim 1. Sacks et al. and Tuttle et al. fail to teach the first spin-up wedge comprises a zero-frequency field; the first servo wedge comprises a preamble that follows and that is contiguous with the zero-frequency field; and the processor is operable to detects the first spin-up wedge by detecting the zero-frequency field and is operable to detect the first servo wedge by detecting the preamble after detecting the zero-frequency field. However, this feature is well known in the art as disclosed by Leis et al., wherein it teaches teach the first spin-up wedge comprises a zero-frequency field (Pat. No. 5, 036, 408, See Abstract); the first servo wedge comprises a preamble that follows and that is contiguous with the zero-frequency field (Pat. No. 5, 036, 408, See Abstract); and the processor is operable to detects the first spin-up wedge by detecting the zero-frequency field and is operable to detect the first servo wedge by detecting the preamble after detecting the zero-frequency field (Pat. No. 5, 036, 408, See Abstract and Fig. 3A, Step 108). It would have been obvious to a person of

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ordinary skill in the art, at the time the invention was made, to modify Sacks and Tuttle et al.'s invention in order to control the position and synchronize the read/write head (Pat. No. 5, 036, 408; See Abstract).

Regarding Claims 9 and 10, Sacks et al. and Tuttle et al. teach all the limitations of Claim 1. Sacks et al. and Tuttle et al. fail to teach the first spin-up wedge comprises a zero-frequency field; the servo channel is operable to generate a zero-frequency or approximately zero-frequency read signal that represents the zero-frequency field and to sample the read signal; and the processor is operable to, compare samples of the read signal to a threshold, and detect the first spin-up wedge if a predetermined number of consecutive samples each have a predetermined relationship to the threshold. However, this feature is well known in the art as disclosed by Leis et al., wherein it teaches teach the first spin-up wedge comprises a zero-frequency field (Pat. No. 5, 036, 408, See Abstract); the servo channel is operable to generate a zero-frequency or approximately zero-frequency read signal that represents the zero-frequency field and to sample the read signal (Pat. No. 5, 036, 408, See Abstract and Col. 3, Lines 55-57, which indicates data is being sampled. Leis et al. teach a servo control system used for positioning the head. It is obvious to a person of ordinary skill in the art that servo channels are used for that same purpose.) and the processor is operable to, compare samples of the read signal to a threshold, and search and detect the first spin-up wedge if a predetermined number of consecutive samples each have a predetermined relationship to the threshold (Pat. No. 5, 036, 408; Col. 7, Lines 1-50 and Fig. 3A, Step 104). It would have

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been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify Sacks and Tuttle et al.'s invention in order to control the position and synchronize the read/write head (Pat. No. 5, 036, 408; See Abstract).

Regarding Claim 11, Sacks et al. and Tuttle et al. teach all the limitations of Claims 1. Sacks et al. and Tuttle et al. fail to teach wherein the first spin-up wedge is disposed within the first servo wedge. However, this feature is well known in the art as disclosed by Leis et al. wherein it teaches wherein the first spin-up wedge is disposed within the first servo wedge (Pat. 5, 036, 408; Abstract). It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify Sacks and Tuttle et al.'s invention in order to control the position and synchronize the read/write head (Pat. No. 5, 036, 408; See Abstract).

Regarding Claims 12, 13, 14, 15, 16, 32, 33 and 34, Sacks et al. and Tuttle et al. teach all the limitations of Claims 1 and 30, respectively. Sacks et al. and Tuttle et al. fail to teach the first spin-up wedge comprises a zero-frequency field; the servo channel is operable to generate a zero-frequency or approximately zero-frequency read signal that represents the zero-frequency field and to sample the read signal; and the processor is operable to, compare samples of the read signal to a threshold, and detect the first spin-up wedge if a predetermined number of consecutive samples each have a predetermined relationship to the threshold. However, this feature is well known in the art as disclosed by Leis et al., wherein it teaches teach the first spin-up wedge

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comprises a zero-frequency field (Pat. No. 5, 036, 408, See Abstract); the servo channel is operable to generate a zero-frequency or approximately zero-frequency read signal that represents the zero-frequency field and to sample the read signal (Pat. No. 5, 036, 408, See Abstract and Col. 3, Lines 55-57, which indicates data is being sampled. Leis et al. teach a servo control system used for positioning the head. It is obvious to a person of ordinary skill in the art that servo channels are used for that same purpose.) and the processor is operable to, compare samples of the read signal to a threshold, and search and detect the preamble if a predetermined number of consecutive samples each have a predetermined relationship to the threshold (Pat. No. 5, 036, 408; Col. 7, Lines 1-50 and Fig. 3A, Step 108). It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify Sacks and Tuttle et al.'s invention in order to control the position and synchronize the read/write head (Pat. No. 5, 036, 408; See Abstract).

Regarding Claim 17, Sacks et al. and Tuttle et al. teach all the limitations of Claim 1. Sacks et al. and Tuttle et al. fail to teach the first spin-up wedge comprises a zero-frequency field; the first servo wedge comprises a preamble; the servo channel is operable to generate a zero-frequency or approximately zero-frequency read signal that represents the zero-frequency field and to sample the read signal; and the processor is operable to, compare samples of the read signal to a threshold, search for the preamble of the first servo wedge in response to a first predetermined number of consecutive samples that have a predetermined relationship to the threshold, and abort the search for the

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preamble of the first servo wedge if the processor does not detect the preamble within a second predetermined number of consecutive samples that immediately follow the first predetermined number of consecutive samples. However, this feature is well known in the art as disclosed by Leis et al., teach the first spin-up wedge comprises a zero-frequency field (Pat. No. 5, 036, 408, See Abstract); the first servo wedge comprises a preamble (Pat. No. 5, 036, 408, See Abstract); the servo channel is operable to generate a zero-frequency or approximately zero-frequency read signal that represents the zero-frequency field and to sample the read signal (Pat. No. 5, 036, 408, See Abstract and Col. 3, Lines 55-57, which indicates data is being sampled. Leis et al. teach a servo control system used for positioning the head. It is obvious to a person of ordinary skill in the art that servo channels are used for that same purpose.); and the processor is operable to, compare samples of the read signal to a threshold, search for the preamble of the first servo wedge in response to a first predetermined number of consecutive samples that have a predetermined relationship to the threshold, and abort the search for the preamble of the first servo wedge if the processor does not detect the preamble within a second predetermined number of consecutive samples that immediately follow the first predetermined number of consecutive samples (Pat. No. 5, 036, 408, Fig. 3A and Col. 7, Lines 1-50 and Fig. 3A). It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify Sacks and Tuttle et al.'s invention in order to control the position and synchronize the read/write head (Pat. No. 5, 036, 408; See Abstract).

Regarding Claim 21, Sacks et al. and Tuttle et al. teach all the limitations of Claim 20. Sacks et al. and Tuttle et al. fail to teach the first portion of the one servo wedge comprises a spin-up wedge; and the second portion of the servo wedge comprises a preamble. However, this feature is well known in the art as disclosed by Leis et al., wherein it teaches the first portion of the one servo wedge comprises a spin-up wedge; and the second portion of the servo wedge comprises a preamble (Pat. No. 5, 036, 408; See Abstract). It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify Sacks and Tuttle et al.'s invention in order to control the position and synchronize the read/write head (Pat. No. 5, 036, 408; See Abstract).

Regarding Claim 22, Sacks et al. and Tuttle et al. teach all the limitations of Claim 20. Sacks et al. and Tuttle et al. fail to teach wherein the processor is operable to detect the first portion of the one servo wedge before detecting the second portion (Pat. No. 5, 036, 408, Fig. 3A and Col. 7, Lines 1-50 and Fig. 3A). It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify Sacks and Tuttle et al.'s invention in order to control the position and synchronize the read/write head (Pat. No. 5, 036, 408; See Abstract).

Regarding Claim 24, Sacks et al. Tuttle et al. teach all the limitations of Claim 23. Sacks et al. and Tuttle fail to teach wherein the servo channel is operable to recover the servo data from the detected servo wedge; and the servo circuit is operable to, determine an initial position of the read head from

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the recovered servo data, and provide the initial position to the read-head positioning circuit. However, this feature is well known in the art as disclosed by Leis et al., wherein it teaches the servo channel is operable to recover the servo data from the detected servo wedge (Pat. No. 5, 036, 408; Col. 7, Lines 1-50 and Abstract); and the servo circuit is operable to, determine an initial position of the read head from the recovered servo data, and provide the initial position to the read-head positioning circuit (Pat. No. 5, 036, 408; Col. 7, Lines 1-50 and Abstract). It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify Sacks and Tuttle et al.'s invention in order to control the position and synchronize the read/write head (Pat. No. 5, 036, 408; See Abstract).

Regarding Claim 25, Sacks et al. Tuttle et al. teach all the limitations of Claim 23. Sacks et al. and Tuttle fail to teach wherein the servo channel is operable to recover the servo data from the detected servo wedge and to provide the location of the respective data sector to the read-head positioning circuit. However, this feature is well known in the art as disclosed by Leis et al., wherein it teaches wherein the servo channel is operable to recover the servo data from the detected servo wedge and to provide the location of the respective data sector to the read-head positioning circuit (Pat. No. 5, 036, 408; Col. 7, Lines 1-50 and Abstract. Leis et al. teach a servo control system used for positioning the head. It is obvious to a person of ordinary skill in the art that servo channels are used for that same purpose.). It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to

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modify Sacks and Tuttle et al.'s invention in order to control the position and synchronize the read/write head (Pat. No. 5, 036, 408; See Abstract).

Regarding Claim 26, Sacks et al. Tuttle et al. teach all the limitations of Claim 23. Sacks et al. and Tuttle fail to teach the servo channel is operable to recover the servo data from the detected servo wedge and to provide the location of the respective data sector to the read-head positioning circuit; and the read-head positioning circuit is operable to determine an initial position of the read head from the location of the respective data sector. However, this feature is well known in the art as disclosed by Leis et al., wherein it teaches the servo channel is operable to recover the servo data from the detected servo wedge and to provide the location of the respective data sector to the read-head positioning circuit (Pat. No. 5, 036, 408; Col. 7, Lines 1-50 and Abstract); and the read-head positioning circuit is operable to determine an initial position of the read head from the location of the respective data sector (Pat. No. 5, 036, 408; Col. 7, Lines 1-50 and Abstract). It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify Sacks and Tuttle et al.'s invention in order to control the position and synchronize the read/write head (Pat. No. 5, 036, 408; See Abstract).

Regarding Claim 27, Sacks et al. Tuttle et al. teach all the limitations of Claim 23. Sacks et al. and Tuttle fail to teach wherein the read-head position circuit and the servo circuit are unable to determine the position of the read head before the processor detects the one servo wedge. However, this feature is well known in the art as disclosed by Leis et al., wherein it teaches the read-

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head position circuit and the servo circuit are unable to determine the position of the read head before the processor detects the one servo wedge (Pat. No. 5, 036, 408; See Abstract). It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify Sacks and Tuttle et al.'s invention in order to control the position and synchronize the read/write head (Pat. No. 5, 036, 408; See Abstract).

Regarding Claim 28, Sacks et al. Tuttle et al. teach all the limitations of Claim 23. Sacks et al. and Tuttle fail to teach wherein the read head comprises a read-write head. However, this feature is well known in the art as disclosed by Leis et al., wherein it teaches wherein the read head comprises a read-write head (Pat. No. 5, 036, 408; See Abstract). It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify Sacks and Tuttle et al.'s invention in order to control the position and synchronize the read/write head (Pat. No. 5, 036, 408; See Abstract).

Regarding Claim 35, Sacks et al. and Tuttle et al. teach all the limitations of Claim 1. Sacks et al. and Tuttle fail to teach wherein detecting the spin-up data and servo data comprises accurately detecting a predetermined number of spin-up wedges and servo wedges before determining the circumferential position of the read head. However, this feature is well known in the art as disclosed by Leis et al., wherein it teaches detecting DC erase fields, followed by the preamble in order to search for the position on the head (Pat. No. 5, 036, 408; Col. 7, Lines 1-50 and Abstract). It would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify Sacks

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and Tuttle et al.'s invention in order to control the position and synchronize the read/write head (Pat. No. 5, 036, 408; See Abstract).

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks et al. and Tuttle et al. as applied to claim 1, above, and further in view of Patapoutian et al. (US Patent No. 5, 661, 760). Sacks et al. and Tuttle et al. teach all the limitations of Claim 1. Sacks et al. and Tuttle et al. fail to teach wherein the servo wedge comprises a predetermined binary sequence having groups of no more and no fewer than a predetermined number of consecutive bits each having a first logic level, the groups separated from each other by respective bits having a second logic level; And the servo channel comprises a Viterbi detector that excludes state transitions that are excluded from the predetermined binary sequence. However, this feature is well known in the art as disclosed by Patapoutian et al., wherein it teaches a first group of consecutive bits, the first group having first and second equally sized portions and representing a first logic level, the bits in the first portion each having a second logic level (Pat. No. 5, 661, 760; Col. 3, Lines 55-58. Patapoutian et al. teaches a $\frac{1}{4}$ coding scheme that codes binary ones into "--++" and binary zeros into "++--". It is inherent that if a sequence of for example "1011" ("10" being a first logic level and "11" being a second logic level) will be encoded into "--++++----++--++", having a first and second equally sized portion in the first group ("--++" and "++--") having a second logic level ("1") and a third logic level ("0")) and a Viterbi detector operable to receive a signal that represents a binary sequence (Pat. No. 5, 661, 760; See Abstract). It would have been obvious to a person of ordinary

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skill in the art, at the time the invention was made, to modify Sacks et al. and Tuttle et al.'s invention in order to receive a binary sequence (Pat. No. 5, 661, 760; See Abstract).

Allowable Subject Matter

Claims 8 and 18 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenda P. Rodriguez whose telephone number is (703)305-8411. The examiner can normally be reached on Monday thru Thursday: 7:00-5:00; alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (703)308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


gpr
March 10, 2004.
DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600